

Item #16



**Public Works  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA DATE: 4/6/2006  
ITEM NO:**

**Subject:** Approve a resolution authorizing the filing of eminent domain proceedings for the IH 35 North Project to acquire a 5,473 square foot temporary working space easement out of the L.C. Cunningham Survey No. 63, A-163, Travis County, Texas, in the amount of \$9,933. The owner of the needed property interest is S. Thurman Blackburn, III. The property is located at 2701 West Pecan Street, Pflugerville, Travis County, Texas.

**Amount and Source of Funding:** Funding is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.

**Fiscal Note:** A fiscal note is attached.

**Requesting Department:** PW

**For More Information:** Lauraine Rizer, 974-7078, Laura Bohl, 974-7064

**Prior Council Action:** Approved Eminent Domain proceedings on July 31, 2003 for a permanent wastewater line and temporary working space easement

**Boards and Commission Action:**

**Purchasing Language:**

**MBE/WBE:**

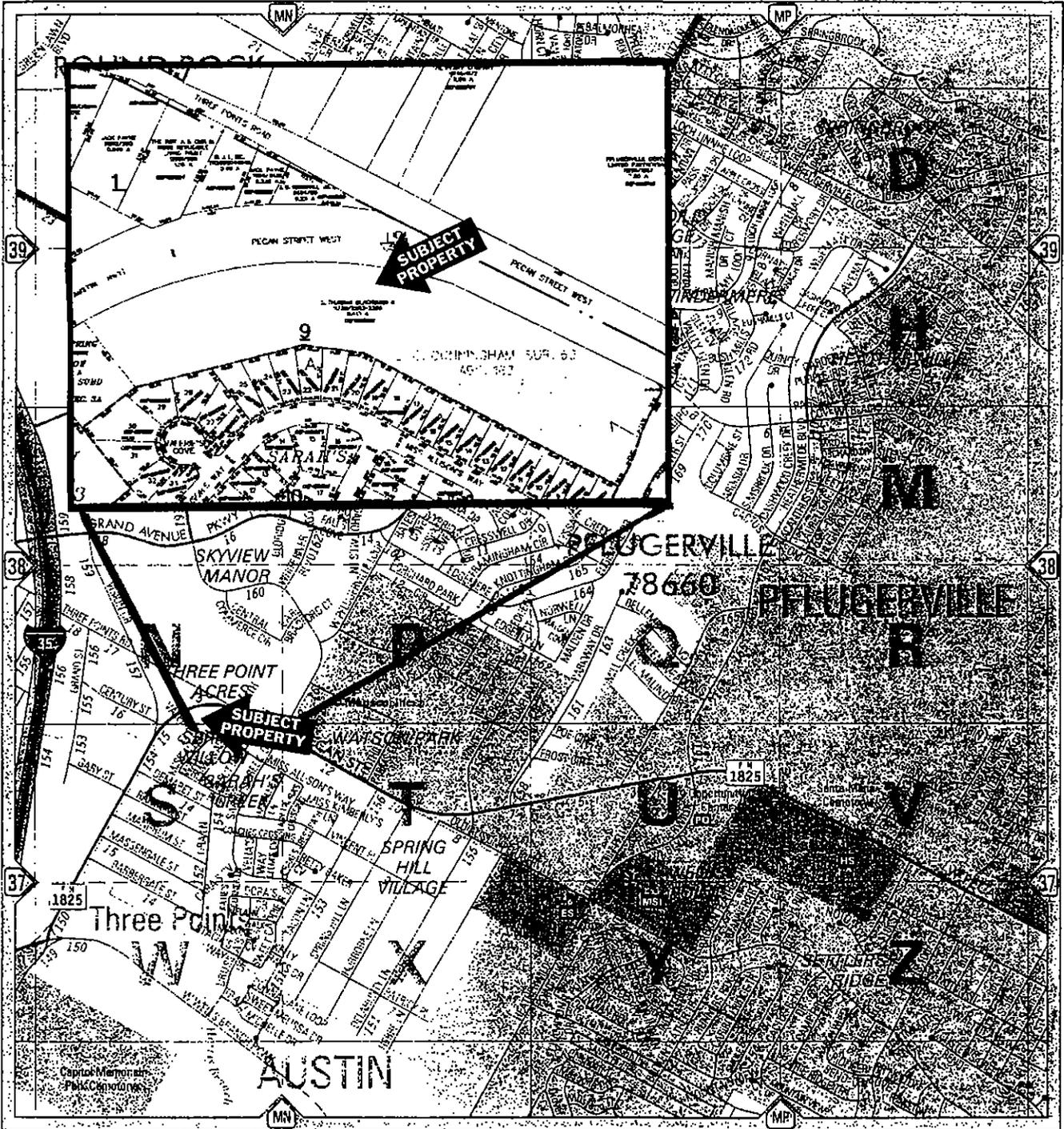
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The design plans for the IH 35 North Project require the acquisition of a temporary working space easement on the property located at 2701 W. Pecan Street, Pflugerville, Travis County, Texas.

The City of Austin has attempted to purchase the temporary working space easement from the landowner; however, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.



CONTINUED ON MAP 407



CONTINUED ON MAP 436

CONTINUED ON MAP 467

CONTINUED ON MAP 438



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**RESOLUTION NO. 20060406-0**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase the needed real property interest but has been unable to agree with the owner on the fair market value thereof; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, an action in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interest needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: S. Thurman Blackburn, III

Project: IH 35 North Project

Intended Purpose: the temporary (eighteen months) working space easement described in the attached Exhibit "A" is necessary to install wastewater lines and appurtenances thereto in an adjacent permanent wastewater line easement area in order to increase and improve the City's ability to provide sanitary sewer services to the public, and to prevent leakage from wastewater lines.

Location: 2701 W. Pecan Street, Pflugerville, Travis County, Texas

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** April 6, 2006

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk

# CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:  
WHERE ON AGENDA:  
DEPARTMENT:

04/06/06  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Approve a resolution authorizing the filing of eminent domain proceedings for the H135 North Project to acquire a temporary working space easement comprised of 5,473 square feet of land out of 1/4 C. Cunningham Survey No. 63, A-163, Travis County, Texas, in the amount of \$9,933. The owner of the needed property interests is S. Thurman Blackburn, III. The property is located at 2701 W Pecan Street, Pflugerville, Travis County, Texas.

**FINANCIAL INFORMATION:**

Parent Project Name: Wastewater Improvements- Citywide  
Project Authorization: 2005-06 Approved Capital Budget  
Funding Source: Current Revenue  
Number: 4480 237 2016

Current Appropriation	\$ 122,106,829.00
Unencumbered Balance	22,607,014.09
Amount of This Action	<u>\$ 9,933.00</u>
Remaining Balance	<u>\$ 22,616,947.09</u>
Current Available Balance	\$ 23,186,346.00
Less Outstanding Commitments	<u>(579,336.00)</u>
Estimated Unencumbered Balance	<u>\$ 22,607,014.09</u>

Utility Financials:



David Archer, Utility Financial Manager

Date:

3/30/06

REF. # 4480 237 8762